

RECEIVED
CENTRAL FAX CENTER**Karen B. Tripp**
Attorney-at-Law
P.O. Box 1301
Houston, Texas 77251-1301

JAN 29 2006

(713) 658-9323 - Telephone
(713) 658-9410 - Facsimile**FAX**DATE: 1/29/06 Our Ref.: 10/656,684TO: Examiner Philip C. TuckerCO.: USPTO Art Unit 1712FAX #: 571 273 8300 PHONE #: _____FROM: Karen TrippRE: _____

_____NUMBER OF PAGES: 4 (including coversheet)

The information contained in this facsimile message is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this fax in error, please immediately notify us by telephone, and return the original message to us at the above address via U.S. Postal Service.

**RECEIVED
CENTRAL FAX CENTER**

JAN 29 2006

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/21 (09-04)
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/658,684
	Filing Date	September 5, 2003
	First Named Inventor	Jeff Miller
	Art Unit	1712
	Examiner Name	TUCKER, PHILIP C.
	Attorney Docket Number	HALB:045
Total Number of Pages in This Submission		4

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD <input type="checkbox"/> Remarks	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Interview Summary
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Karen B. Tripp, Attorney at Law	
Signature	<i>Karen B. Tripp</i>	
Printed name	Karen B. Tripp	
Date	January 29, 2006	Reg. No. 30,452

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature	<i>Karen B. Tripp</i>	
Typed or printed name	Karen R. Tripp	Date January 29, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

JAN 29 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Jeff Miller

Serial No.: 10/656,684

Filed: September 5, 2003

Title: "Drilling Fluid and Method for Enhanced Suspension" \$

Group Art Unit: 1712

Examiner: TUCKER, PHILIP C.

Atty. Docket No.: HALB:045

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION
FAX NUMBER: 571 273 8300

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Karen Tripp

1/29/06
DATE

INTERVIEW SUMMARY

Sir:

Pursuant to MPEP 713.04, Applicant's counsel submits this summary of a telephone interview conducted with Examiner Philip C. Tucker on January 13, 2006. Inventor Jeff Miller attended the interview as well as the undersigned counsel.

The undersigned sought the interview for clarification of the Examiner's position regarding United States Patent No. 4,777,200 cited by the Examiner. The Examiner has maintained that the drilling fluid taught in the patent would inherently have properties within the scope of Applicant's invention. In Applicant's specification, Applicant discussed this '200 patent reference and provided data comparing and distinguishing the product of the '200 patent. Applicant sought to learn in the interview the type of test data that he would need to provide to the Examiner to satisfactorily dispute the Examiner's position of alleged inherency.

Application Serial No. 10/656,684
Art Unit 1712 (Attorney Dkt: HALB:045)


The Examiner advised that in his view the scope of Applicant's claims read on the Dymond patent. The Examiner did not dispute that Applicant had already provided some distinguishing data, but the Examiner remarked that he believed that a broad range of fluid loss agents could be used in the Dymond formulation while Applicant had shown tests with only one. For example, the Examiner named acrylamide and carboxymethyl cellulose as alternative fluid loss control agents not included in Applicant's data.

The Examiner also commented that the Dymond reference did not say that a fluid loss control agent had to be used. Applicant objected to this statement, noting that the Dymond reference used a fluid loss control agent in every example formulation provided and provided no teaching that a fluid loss control agent could be omitted. Further, Applicant advised that the fluid loss control agent he used in his data was the fluid loss control agent one skilled in the art would typically use at the time of the invention and at the time of the Dymond invention. The Examiner reiterated that many fluid loss control agents could be used.

Applicant concluded the interview with a better understanding of the Examiner's position, but not in agreement with it.

Respectfully submitted,

Date: January 16, 2006


Karen B. Tripp, Reg. No. 30,452
Attorney at Law
P.O. Box 1301
Houston, Texas 77251-1301
(713) 658-9323 phone
(713) 658-9410 fax
ktripp@tripplaw.com e-mail